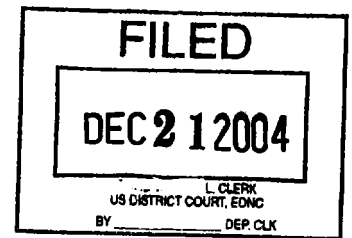


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:04-CR-211-BO(1)



UNITED STATES OF AMERICA

v.

DAVID ANTHONY PASSARO

SUPPLEMENTAL MOTION TO COMPEL
DISCOVERY OF CRIMINAL
INVESTIGATION DIVISION EVIDENCE
(Filed In Camera and Under Seal with the
Court Security Officer)

David Anthony Passaro, by and through counsel, respectfully moves this Honorable Court to compel discovery from the United States of any and all evidence, whether in document form or some other form, relating to the Government's criminal investigation of Mr. Passaro or the death of Abdul Wali. In support of this motion the defendant offers the following:

1. The legal and factual bases supporting this motion are stated in the defendant's Memorandum in Support of Motion to Compel Discovery, submitted under seal on November 12, 2004, and listed as docket entry number 52. Such legal and factual bases are incorporated herein by reference.
2. The defendant now requests the Court to compel specific discovery of any and all evidence, documentary or otherwise, concerning the United States Army's or the Department of Defense's criminal investigation of Mr. Passaro or the death of Abdul Wali. This request includes any documents or evidence regarding the closure or re-opening of the criminal investigation regarding Mr. Passaro or the death of Abdul Wali. This request also encompasses any and all evidence pertaining to the criminal investigation referencing sequence number 0094-03-CID369

or ROI number 49180.

WHEREFORE, Mr. Passaro prays the Court for:

An order compelling the discovery of any and all evidence, documentary or otherwise, concerning the United States Army's or the Department of Defense's criminal investigation of Mr. Passaro or the death of Abdul Wali. This compulsion of discovery includes any documents or evidence regarding the closure or re-opening of the criminal investigation regarding Mr. Passaro or the death of Abdul Wali, as well as any and all evidence pertaining to the criminal investigation referencing sequence number 0094-03-CID369 or ROI number 49180.

Respectfully submitted this 21ST day of December, 2004.



THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that pursuant to paragraph 20 of the Protective Order issued by the Court on July 29, 2004, a copy of the foregoing was submitted to Deputy Clerk Jennifer Myers, as directed by Jennifer H. Campbell, one of the Court Security Officers as identified in paragraph 4 of the Protective Order, by hand delivering a copy of same.

This the 21ST day of December, 2004.

Thomas P. McNamara

THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099